

# YUKON LIQUOR CORPORATION BOARD OF DIRECTORS BYLAW 2025-005

## Rules Respecting Appeals, Hearings and Reviews

### *preamble*

**WHEREAS** sub-section 9 (3) (b) of the *Liquor Regulations* provides that any person who has been forbidden entry pursuant to paragraph (a), may appeal to the Board who shall deal with the matter at the next Board meeting; and the decision of the Board shall be binding to both parties.

**WHEREAS** section 1 of the *Interpretation Act*, R.S.Y. 2002, Chapter 125, as amended, provides that “regulation” includes any rule, rule of court, order prescribing regulations, tariff of costs or fees, form, bylaw, resolution, or order made in the execution of a power given by an enactment.

**WHEREAS** sub-section 18 (e) of the *Interpretation Act*, provides that when power is conferred to make regulations, the power shall be construed as including power, exercisable in like manner and subject to like consent and conditions, if any, to rescind, revoke, amend, or vary the regulations and make others.

**WHEREAS** the Yukon Liquor Corporation Board of Directors has by Resolution passed on the 12<sup>th</sup> day of November, 2025, rescinded Bylaw 2024-001 being the *Liquor Board Prohibition Appeal Rules*.

**WHEREAS** the Yukon Liquor Corporation Board of Directors has determined that it is necessary, desirable and in the public interest that rules be enacted respecting appeals, hearings and reviews under the *Act* and the *Liquor Regulations*.

**THEREFORE** the majority of a quorum of the Yukon Liquor Corporation Board of Directors present at a meeting of the Yukon Liquor Corporation Board of Directors duly convened enacts this bylaw to provide for rules respecting appeals, hearings and reviews under the *Act* and the *Liquor Regulations*.

## PART ONE – CITATION, APPLICATION AND PURPOSE

### *citation and application*

1. This Bylaw: (1) is enacted for the purpose of providing rules respecting appeals, hearings and reviews under the *Act* and the *Liquor Regulations*; (2) may be cited as the *Rules Respecting Appeals, Hearings and Reviews*; (3) applies to all appeals, hearings and reviews under the *Act* and the *Liquor Regulations*; (4) must be read with the *Definitions Bylaw*, the *Inspectors, Peace Officers And Forfeiture Rules* and the *Suspension Rules*; and, (5) shall be interpreted and applied so as to secure the

just, most expeditious and least expensive determination of an Appeal.

## **PART TWO – APPEALS AND REVIEWS**

### ***appeal against suspension***

2. A Licensee may Appeal against the suspension of its Licence by serving a notice of Appeal on the President within 30 days of the date of the notice of suspension.<sup>1</sup>

### ***president to refer matter to board***

3. On receipt of the notice of Appeal, the President shall refer the matter to the Board for a Decision and is bound by the Board's Decision.<sup>2</sup>

### ***board to enquire***

4. On receipt of a request by the Board from the President for a Decision, the Board shall: **(1)** immediately enquire into the matter, by way of Hearing<sup>3</sup>; **(2)** if a quorum of the Board is not available to hear the Appeal summarily, a Member may, with the consent of the Appellant and the President, hear the Appeal and in that case the Member hearing the Appeal has all the jurisdiction in respect of the matter as a quorum of the Board<sup>4</sup>; **(3)** and after considering: **(a)** representations made by the Licensee and, or, the President<sup>5</sup>; and, **(b)** any evidence which may be adduced by a Party<sup>6</sup>; **(4)** make a Decision<sup>7</sup>; and, **(5)** provide to the Parties Reasons.<sup>8</sup>

### ***representation by agent, counsel***

5. The President and the Licensee may be represented by agent or counsel.<sup>9</sup>

### ***board can decide***

6. After the Hearing, pursuant to Rule 4, the Board may decide that: **(1)** the suspension be continued; **(2)** the Licence be reinstated either immediately or at a future date; **(3)** the Licence be reinstated or re-issued subject to conditions; or, **(4)** the Licence

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<sup>1</sup>Liquor Act, s. 18 (3)

<sup>2</sup>Liquor Act, s. 18 (4)

<sup>3</sup>Liquor Act, s. 18 (5)

<sup>4</sup>Liquor Act, s. 3 (7)

<sup>5</sup>Liquor Act, s. 18 (5)

<sup>6</sup>Liquor Act, s. 18 (5)

<sup>7</sup>Liquor Act, s. 18 (5)

<sup>8</sup>Liquor Act, s. 18 (7)

<sup>9</sup>Liquor Act, s. 18 (8)

be cancelled.<sup>10</sup>

***no refund until after appeal***

7. Until after any Appeal made against the suspension of a Licence under Rule 2, sub-rule (1), of the *Suspension Rules*, or the Appeal period has expired<sup>11</sup>, Liquor or Packages delivered in accordance with Rule 7, sub-rule (4), or Rule 11, or seized under Rule 16 of the *Inspectors, Peace Officers And Forfeiture Rules*: (1) the cost of Liquor or Packages shall not be refunded under Rule 12 of the *Inspectors, Peace Officers And Forfeiture Rules*<sup>12</sup>; nor, (2) shall any Liquor and Packages delivered to the President be destroyed or disposed of under Rule 13 of the *Inspectors, Peace Officers And Forfeiture Rules*.<sup>13</sup>

***reversal of decision***

8. If the Decision under Rule 4, sub-rule (3) of the President in respect of the suspension or cancellation is reversed by the Board or the Supreme Court the Liquor and Packages shall be dealt with in accordance with any Order of the Board or the Supreme Court in respect of the Appeal.<sup>14</sup>

***appeal of refusal of permit***

9. Any person aggrieved by the refusal of a Permit may, through the President, Appeal to the Board and the Board shall deal with the matter immediately and informally.<sup>15</sup>

***appeal***

10. A person aggrieved by the decision of the President under Rule 8 of the *Inspectors, Peace Officers And Forfeiture Rules* may Appeal to the Board.<sup>16</sup>

***appeal to board***

11. A person aggrieved by the decision of the President under Rule 18, sub-rule (2) of the *Inspectors Peace Officers And Forfeiture Rules* may Appeal to the Board.<sup>17</sup>

**PART THREE – REVIEWS**

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<sup>10</sup>*Liquor Act*, s. 18 (6)

<sup>11</sup>*Liquor Act*, s. 22 (4)

<sup>12</sup>*Liquor Act*, s. 22 (4)

<sup>13</sup>*Liquor Act*, s. 22 (4)

<sup>14</sup>*Liquor Act*, s. 22 (4)

<sup>15</sup>*Liquor Act*, s. 53 (8)

<sup>16</sup>*Liquor Act*, s. 81 (5)

<sup>17</sup>*Liquor Act*, s. 107 (6)

### ***jurisdiction of the supreme court***

12. The Supreme Court has jurisdiction to hear and determine an Application to review and set aside a Decision or Order, other than a Decision or Order of an administrative nature not required by law to be made on a judicial or quasi-judicial basis, made by or in the course of proceedings before the Board, on the grounds that the Board (1) failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction<sup>18</sup>; (2) erred in law in making its Decision or Order, whether or not the error appears on the face of the record<sup>19</sup>; or (3) based its decision or Order on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it.<sup>20</sup>

### ***notice of application within 10 days***

13. Any such Application for review may be made by any Party directly affected by the Decision or Order by filing a notice of the Application setting out the grounds within 10 days of the time the Decision or Order was first communicated to that Party by the Board or within any further time the Supreme Court or a Judge thereof may allow either before or after the expiry of those 10 days.<sup>21</sup>

### ***coincidental powers of the board and justices***

14. If by any provision of the *Act* power is given to a Judge respecting any matter, thing, or person and by the same or any other provision, further or other power is given to the Board respecting the same matter, thing, or person, the latter power shall be in addition to and not in substitution for the former.<sup>22</sup>

### ***board may refer to supreme court***

15. The Board may at any stage of the proceedings before it refer any question or issue of law, or jurisdiction to the Supreme Court for hearing and determination.<sup>23</sup>

### ***reference to be heard summarily***

16. An Application or reference to the Supreme Court made under Rule 15 shall be

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<sup>18</sup>*Liquor Act*, s. 118 (1) (a)

<sup>19</sup>*Liquor Act*, s. 118 (1) (b)

<sup>20</sup>*Liquor Act*, s. 118 (1) (c)

<sup>21</sup>*Liquor Act*, s. 118 (2)

<sup>22</sup>*Liquor Act*, s. 86

<sup>23</sup>*Liquor Act*, s. 118 (3)

heard and determined without delay and in a summary way.<sup>24</sup>

***re-hearing may be by same panel***

17. When a re-hearing of any matter is ordered by the Supreme Court, the re-hearing may be held by the Board composed of the same persons that held the original Hearing.<sup>25</sup>

***special leave of supreme court***

18. Except by special leave of the Supreme Court, no Application pursuant to Rule 12 shall be made later than six months from the date of the Decision of the Board complained of.<sup>26</sup>

***application not to operate as stay***

19. Except by special leave of the Supreme Court, no Application pursuant to Rule 12 shall operate as a stay in respect of the Decision of the Board complained of.<sup>27</sup>

**PART FOUR – APPEAL AND HEARING PROCEDURE**

**Non-compliance**

***effect of non-compliance***

20. Subject to the *Act* and the *Liquor Regulations*, failure to comply with these *Appeal Rules* shall be treated as an irregularity and does not nullify an Appeal, but the Board may give any procedural direction it thinks appropriate to ensure that neither the conduct of the Appeal nor any Party is prejudiced by the failure.

***failure to comply***

21. If a Party fails to comply with these *Rules* the Board may continue the Appeal without that Party's participation.

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<sup>24</sup>*Liquor Act*, s. 118 (4)

<sup>25</sup>*Liquor Act*, s. 118 (5)

<sup>26</sup>*Liquor Act*, s. 118 (6)

<sup>27</sup>*Liquor Act*, s. 118 (7)

## **Time**

### ***computation***

22. The computation of time shall be made in accordance with the Yukon *Interpretation Act*, R.S.Y. 2002, Chapter 125.

### ***abridge or extend***

23. Subject to the *Act* and the *Liquor Regulations*, the Board may abridge or extend any time prescribed in these *Rules*, before or after the expiration of the time prescribed.

## **File**

### ***board to maintain file***

24. The Board shall maintain the File containing all: (1) Documents required by the *Act*, the *Liquor Regulations*, and these *Rules*; (2) correspondence; (3) notices; and, (4) all other material produced or received by the Board in respect of the Appeal.

### ***examination of file***

25. Only a Party may examine the File.

### ***confidentiality***

26. The File shall be treated by the Board and each Party as confidential.

### ***retention of file***

27. The File shall be retained by the Chair or, in the absence of the Chair, the Vice-chair until the expiration of the time limited for judicial review and appeals.

### ***delivery of file***

28. The Chair or, in the absence of the Chair, the Vice-chair shall cause the File to be delivered to the President and the Minister after the expiration of the time limited for judicial review and appeals.

## **Notice**

### ***board to fix time, date, place***

29. Subject to the *Act* and the *Liquor Regulations*, the Board must fix a time, date and

place for a Hearing.

***in writing***

30. Where the *Act*, the *Liquor Regulations* or these *Rules* requires notice, unless otherwise provided therein, such notice shall be given in writing.

***manner of notice***

31. Notice may be given by: (1) personal service upon the person; (2) certified or registered mail addressed to the person at the person's usual or latest known address; (3) facsimile transmission; or, (4) e-mail transmission.

**Consolidation of Appeals**

***where consolidation order may be made***

32. Subject to the *Act* and the *Liquor Regulations*, where the Board considers that two or more Appeals are related to each other by common facts, issues, questions of law or for any other reason, the Board may: (1) order the Appeals be consolidated, heard at the same time or heard one immediately after the other; or, (2) stay or adjourn any Appeal until the determination of any other Appeal.

***consolidated file***

33. Where the Board has ordered Appeals to be consolidated, the File for each Appeal shall be combined into and treated as one File and not a new Appeal.

**Communicating with Board**

***addressed to chair***

34. All communications with the Board shall be addressed to the "Liquor Corporation Board of Directors" to the attention of the Chair or, in the absence of the Chair, the Vice-chair.

***address***

35. The Chair or, in the absence of the Chair, the Vice-chair shall provide to each Party: (1) a postal address; and, (2) a telephone facsimile transmission number and, or, (3) an e-mail transmission address.

***method***

36. All correspondence directed to the Board shall be delivered to the address provided to each Party by the Chair or, in the absence of the Chair, the Vice-chair.

***discretion as to facts, e-mail***

37. The Chair or, in the absence of the Chair, the Vice-chair may require correspondence received by: **(1)** e-mail transmission or **(2)** telephone facsimile transmission, to be delivered in another manner.

**Submissions**

***parties' representations***

38. The Parties may each make: **(1)** written **(2)** and oral submissions to the Board at the Hearing.

***time to file***

39. Parties shall deliver to the Chair or, in the absence of the Chair, the Vice-chair one copy of their written submissions, if any, as follows: **(1)** the Appellant, no later than 14 days prior to the Hearing; and, **(2)** the Respondent, no later than 7 days prior to the Hearing.

***chair to provide***

40. The Chair or, in the absence of the Chair, the Vice-chair shall cause to be served upon the Parties their respective written submissions.

***further information***

41. A Party shall provide such further information, particulars, Documents or submissions as the Board may request.

**Service**

***address for service***

42. A Party shall provide to the Chair or, in the absence of the Chair, the Vice-chair the following information, the Party's: **(1)** full name, and the name of the Party's counsel or agent, if any; **(2)** civic address and postal address, and that of the Party's counsel or agent, if any; **(3)** address for service which may include a telephone facsimile transmission number and an e-mail address, and that of the Party's counsel or



agent, if any; and, (4) telephone number where the Party can be reached or a message can be left for the Party during business hours and for the Party's counsel or agent, if any.

### **Conduct of Hearings**

#### ***hearing in public***

43. Subject to the *Act* and *Liquor Regulations*, at the sole discretion of the Board, a Hearing shall be open to the public.

#### ***quorum***

44. Subject to the *Act* and *Liquor Regulations*, a majority of the Board, whom are not prevented by the *Rules Respecting Conflict of Interest and Bias* from sitting, constitutes a quorum.

#### ***chair to preside***

45. The Chair or, in the absence of the Chair, the Vice-chair shall direct and control the conduct of the Hearing in accordance with the *Act*, the *Liquor Regulations*, these *Rules*, and the principles of natural justice and procedural fairness.

#### ***chair to give notice of hearing***

46. The Chair or, in the absence of the Chair, the Vice-chair shall cause to be served upon the Parties notice of the Hearing.

#### ***adjournment***

47. A Board may, from time to time, adjourn the Hearing on any terms that the Board considers appropriate.

#### ***party to be heard***

48. No Hearing date may be changed and no Hearing may be adjourned without first giving each Party an opportunity to make representations about the proposed change of date or adjournment, as the case may be.

### **Compelling Attendance of Witnesses and Production of Documents**

#### ***witnesses***

49. The Board may, by summons, require an individual to attend at the Hearing as a

witness, to give evidence on oath on a matter and to produce anything that the Board considers necessary for the purpose of a hearing.

***service***

50. The summons must be served on the individual so that there is a reasonable amount of time between the service of the summons and the date of the Hearing.

***application to supreme court***

51. If the individual does not comply with the summons, the Board may apply to the Supreme Court, in accordance with Rules 15 and 16, for an Order of contempt, as though the non-compliance were a breach of an Order of the Supreme Court.

***documents***

52. An Appellant shall provide to the Board, along with its notice of Appeal: **(1)** all materials upon which the Appellant relies; and, **(2)** upon receiving the notice of the Appeal, the Respondent must provide to the Board copies of all materials upon which the Respondent relies.

***chair to provide materials***

53. The Chair or, in the absence of the Chair, the Vice-chair must provide to the Parties all materials the Board has received under Rule 39 upon receipt thereof.

**Evidence and Procedure**

***admissible evidence***

54. Subject to the *Act* and the *Liquor Regulations*, the Board is not bound by the rules of evidence that apply to judicial proceedings.

***affidavit evidence***

55. Affidavit evidence may be used at the Hearing providing that such is delivered to the Board no later than 7 days prior to the Hearing.

***idem***

56. Notwithstanding Rule 55, the Board may, in its sole discretion, admit affidavit evidence tendered at the Hearing.

***party's counsel, agent***

57. A Party may be represented by counsel or by a person designated by the Party as the Party's agent, who may, on behalf of the Party, communicate with or appear before the Board at the Hearing.

***examination of witnesses***

58. At the Hearing, the Parties may: **(1)** examine their own witness; **(2)** cross-examine a witness of the other Party; and, **(3)** re-examine their own witness.

***order of procedure***

59. The Appellant, followed by the Respondent, may: **(1)** make an opening statement; **(2)** examine and cross-examine witnesses; **(3)** make submissions; and, **(4)** make closing statements.

**Miscellaneous**

***transcript***

60. The Board may, in its sole discretion, engage a certified court reporter to record the proceedings at the Hearing and to prepare a *verbatim* transcript thereof.

***reasons***

61. The Board shall prepare the Reasons.

***decision***

62. At the conclusion of the Hearing, the Board must decide to: **(1)** deny the Appeal; or, **(2)** allow the Appeal.

***chair to provide copy***

63. The Chair or, in the absence of the Chair, the Vice-chair must provide a copy of its Decision with its Reasons to the Parties within a reasonable time after the date of the Hearing or the delivery of any transcript, whichever is later.

***hearing under rule 9***

64. For a Hearing under Rule 9: **(1)** Rules 21, 23, 32, 33, 38 to 42, 49 to 56, and, 58 to 60 do not apply; **(2)** unless, the Board orders otherwise.

DATED this 12th day of November, 2025.

**CERTIFIED** to be a true and complete copy of the bylaw regarding rules respecting appeals hearings and reviews enacted by the Yukon Liquor Corporation Board of Directors on the 12<sup>th</sup> day of November, 2025, which bylaw is in full force and effect, unamended.



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Eva Bidrman, Chair